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Examiner: Carlos Lugo

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Group: 3677

Inventor: Jerry H. Chisnell

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(To be used for all correspondence after initial filing)

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Filing Date	September 10, 1999
First Named Inventor	Jerry H. Chisnell
Group Art Unit	3677
Examiner Name	Carlos Lugo
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ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
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- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
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- ☐ After Allowance Communication to Group
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**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

* * * * *

In item 4 of the Advisory Action mailed January 9, 2002, Paper No. 13, the Examiner stated that Applicant's argument would be more convincing if the claims were directed to a method in which one of the steps was to establish a peak crimp area. Although not specifically identified as being responsive to the Examiner's

aforementioned suggestion, the Amendment filed January 18, 2002 attempted to incorporate the suggested language into Applicant's independent apparatus Claims 1, 11 and 12 and thereby render such claims allowable.

The Examiner continues to reject independent Claims 1, 11 and 12 and dependent Claims 2-5 under 35 U.S.C. §102(b) as being anticipated by Joseph et al., U.S. Patent 5,387,016. The undersigned attorney respectfully traverses the Examiner's rejection under 35 U.S.C. §102(b) in view of the amendments heretofore made as well as the following argument.

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. §102 is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents, functioning in substantially the same way to produce substantially the same results. As most recently noted by the Court of Appeals of the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick*, 221 USPQ 481, 485 (1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. §102, the Court stated:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.”

Applicant's independent Claim 1 requires:

“1. A reinforced hose coupling defining an area of peak crimp force of a predetermined longitudinal extent, said reinforced hose coupling comprising:

an inner sleeve having a first end, a second end opposite said first end, and a pair of annular upset beads

therebetween, said inner sleeve further having an inner diameter and an outer diameter thereon, said outer diameter having at least one projection thereon;

a hose having an inner diameter positioned over said outer diameter of said inner sleeve, said at least one projection of said inner sleeve interlocking with said hose to resist axial movement of said hose relative to said reinforced hose coupling;

an outer sleeve having a terminating end sandwiched between said pair of annular upset beads of said inner sleeve to prevent axial movement relative to said inner sleeve, said outer sleeve further having an inner diameter circumscribing said hose, said inner diameter of said outer sleeve further including at least one depression therein formed by a crimping operation, said **at least one depression defining an area of peak crimp force of a predetermined longitudinal extent** and interlocking with said hose to further resist axial movement of said hose relative to said reinforced hose coupling; and

at least one reinforcing ring positioned within said inner diameter of said inner sleeve within said predetermined longitudinal extent defined by said area of peak crimp force, whereby said at least one reinforcing ring provides localized support along said predetermined longitudinal extent to resist deformation of said inner sleeve during said crimping operation."

Applicant's independent Claim 11 requires:

"11. A reinforced hose coupling defining an area of peak crimp force of a predetermined longitudinal extent, said reinforced hose coupling comprising:

a hose having an outer diameter and an inner diameter;

an outer sleeve having an inner diameter circumscribing said outer diameter of said hose, said outer sleeve further having a plurality of depressions therein, said **plurality of depressions defining an area of peak crimp force of a predetermined longitudinal extent** and

interlocking with said hose to resist axial movement of said hose relative to said outer sleeve;

an inner sleeve having an inner diameter and an outer diameter, said inner sleeve being adapted to be inserted into said inner diameter of said hose said inner sleeve having at least one projection interlocking with said hose to resist axial movement of said hose relative to said inner sleeve; and

at least one reinforcing ring situated within said inner diameter of said inner sleeve, within said predetermined longitudinal extent defined by said area of peak crimp force, whereby said at least one reinforcing ring provides localized support along said predetermined longitudinal extent to resist deformation of said inner sleeve."

Applicant's independent Claim 12 requires:

"12. A reinforced hose coupling defining an area of peak crimp force of a predetermined longitudinal extent, said reinforced hose coupling comprising:

a hose having an outer diameter and an inner diameter;

an outer sleeve having an inner diameter circumscribing said outer diameter of said hose, said outer sleeve further having at least one depression therein, **said at least one depression defining an area of peak crimp force of a predetermined longitudinal extent** and interlocking with said hose to resist axial movement of said hose relative to said outer sleeve;

an inner sleeve having an inner diameter and an outer diameter, said inner sleeve being adapted to be inserted into said inner diameter of said hose said inner sleeve having at least one projection interlocking with said hose to resist axial movement of said hose relative to said inner sleeve; and

at least one reinforcing ring situated within said inner diameter of said inner sleeve, within said predetermined longitudinal extent defined by said area of peak crimp force, whereby said at least one reinforcing ring provides localized support along said

predetermined longitudinal extent to resist deformation of said inner sleeve.”

Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick, supra, makes clear that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, **arranged as in the claim**. It is respectfully suggested that the Joseph et al. elements allegedly anticipating independent Claims 1, 11 and 12 are not arranged as in Applicant’s claims. Specifically, Joseph et al. do not disclose a reinforcing ring positioned within a predetermined longitudinal extent defined by an area of peak crimp force as required by Applicant’s independent Claims 1, 11 and 12. The Examiner alleges that the Joseph et al. tubular liner 28 discloses Applicant’s reinforcing ring. While Applicant does not agree with such interpretation, the tubular liner 28 is clearly not arranged as in Applicant’s independent Claims 1, 11 and 12, i.e. within a predetermined longitudinal extent defined by an area of peak crimp force, and therefore cannot anticipate Applicant’s invention.

Webster’s Third New International Dictionary provides the following definitions for the term within: “inside the bounds of a place or region” and “on the inside or on the inner side: INTERNALLY, INSIDE”. This definition leaves no room for ambiguity, if an element is inside the bounds of a region it is within the region, and conversely if the element is outside the bounds of a region it is not within the region. Therefore, the Joseph et al. tubular liner 28 is not “within” a predetermined longitudinal

extent defined by an area of peak crimp force because both end portions of the tubular liner 28 extend outside such predetermined longitudinal extent into an area having no crimp force whatsoever. In other words, whether or not a portion of the tubular liner 28 is “within” according to the definition provided by Webster’s Third New International Dictionary has no bearing on whether the tubular liner 28 as a whole is “inside the bounds of a place or region”.

The above referenced limitation requiring a “reinforcing ring positioned within a predetermined longitudinal extent defined by an area of peak crimp force” must also be read in light of the limitation requiring an outer sleeve element with “at least one depression defining an area of peak crimp force”. The combination of these two limitations makes clear that, in order to anticipate Applicant’s independent Claims 1, 11 and 12, Joseph et al. must disclose a reinforcing ring element positioned within a predetermined longitudinal extent defined by at least one depression of an outer sleeve element. As pointed out in Applicant’s reply filed August 23, 2002, Joseph et al. disclose a tubular liner 28 that supports the entire longitudinal extent of a tubular body to which a crimp force is applied such that the tubular liner 28 necessarily extends beyond the depressions formed by the crimping operation. As the Joseph et al. tubular liner 28 extends beyond the depressions formed by the crimping operation, the tubular liner 28 is not “within” the depressions as defined by Webster’s Third New International Dictionary

cited hereinabove, and as required by each of Applicant's independent Claims 1, 11 and 12.

In response to Applicant's argument included in the reply filed August 23, 2002, and reiterated in the preceding paragraph, the Examiner stated that Figure 3 of the Joseph et al. reference shows the liner is disposed within the depressions 26 (page 3, lines 2-3 of the Final Office Action of October 1, 2002, Paper No. 20). Other than this conclusory statement, the Examiner does not provide any further support for such position. As Figure 3 clearly shows the tubular liner 28 extending beyond the longitudinal extent defined by the depressions 26, it appears the Examiner does not fully appreciate the definition of the term "within". Since the tubular liner 28 extends beyond the longitudinal extent defined by the depressions, the tubular liner 28 is clearly not inside such longitudinal extent and correspondingly not "within" according to the definition of the term provided by Webster's Third New International Dictionary cited hereinabove.

Additionally, Joseph et al. do not have a reinforcing ring structurally interrelated with a sleeve that provides **localized support** along a predetermined longitudinal extent as required by Applicant's independent Claims 1, 11 and 12. Applicant's independent Claims 1, 11 and 12 clearly set forth a positively recited group of claimed elements interrelated within a defined area of peak crimp force arranged to provide localized support. The tubular lining 28 in Joseph et al. extends throughout the entire region of engagement to ensure that support is provided wherever the crimp is

applied. Accordingly, the tubular liner 28 of Joseph et al. is arranged to support equally the entire longitudinal extent of engagement and is not localized relative to an area of peak crimp force.

Therefore, in applying the test for anticipation as set forth in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick*, supra, Joseph et al. do not anticipate independent Claims 1, 11 or 12. Further, under principles of claim dependency, Joseph et al. do not anticipate dependent Claims 2-5 either. Accordingly, withdrawal of the rejection of Claims 1-5, 11 and 12 under 35 U.S.C. §102 is respectfully requested.

In view of the foregoing remarks, the undersigned attorney additionally submits that Joseph et al. do not teach or suggest Applicant's invention. Specifically, Joseph et al. do not teach or suggest providing localized support along a predetermined longitudinal extent defined by an area of peak crimp force as a solution to problems of beam deflection failure of a liner like that disclosed in Joseph et al., excessive cost, and excessive weight associated with unnecessarily long reinforcements.

The undersigned again wishes to express his appreciation to the Examiner for the indication that Claims 6-10 are allowed. In view of the finality of the Office Action, every attempt has been made to place the claims in condition for allowance and it is respectfully asserted that there are no further issues, formal or substantive, that remain for prosecution. Formal allowance of the application is,

therefore, respectfully solicited. In the event the Examiner is not persuaded of the patentability of the claims as amended herein, he is respectfully requested to enter the amendment for purposes of appeal.

The Commissioner is hereby authorized to charge any deficiency in fee associated with this amendment to the undersigned's Deposit Account No. 22-0212. If the Examiner has any questions with respect to any matter now of record, Applicant's attorney may be reached at (248) 362-1210.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



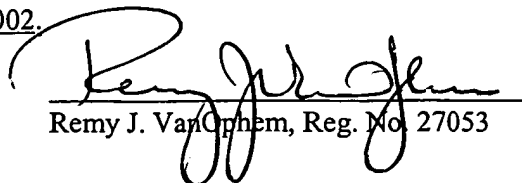
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